

**Federal Defenders
OF NEW YORK, INC.**

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February 15, 2023

BY ECF

The Honorable Katherine P. Failla
Southern District of New York
United States Courthouse
40 Foley Square, Rm. 618
New York, New York 10007

MEMO ENDORSED

Re: **United States v. Joseph Sanders**
22 CR 0697 (KPF)

Dear Judge Failla:

I write on behalf of my client, Joseph Sanders, to respectfully request that the Court enter an order granting his temporary release on Tuesday, February 21, 2023, so that Mr. Sanders can attend his father's funeral. The viewing for Mr. Sanders' father will be held at Alexander Rothwell Funeral Home in Wading River, NY from 11 a.m. to 2 p.m. This will be followed by the burial at the Calverton National Cemetery in Wading River, NY. The drive from MDC Brooklyn to the funeral home and cemetery takes approximately 1.5 hours each way without traffic. Mr. Sanders thus asks the Court to authorize his release from MDC Brooklyn for a total of 12 hours -- 8:00 a.m. to 8:00 p.m. The government objects to this request.

I. Status of the Case

Mr. Sanders is charged with one count of Hobbs Act Robbery, 18 U.S.C. §§ 1951 and 2, and one count of Possession of a Firearm in Relation to a Crime of Violence, 18 U.S.C. § 924(c).

Mr. Sanders was arrested on December 6, 2022, and has been detained at MDC Brooklyn since that date.

II. Temporary Release is Authorized by the Bail Reform Act

The Bail Reform Act authorizes the temporary release of an individual in pretrial custody “to the extent that the judicial officer determines such release to be necessary for the preparation of the person’s defense or for another compelling reason.” 18 U.S.C. § 3142(i).

Here, the sudden death of Mr. Sanders’ father is the compelling reason that justifies his temporary release. Indeed, several judges within this District have granted release in similar situations. *See, e.g., United States v. Dunn*, 11-CR-638 (SAS) (releasing defendant to allow him to attend brother’s memorial service); *United States v. Summers*, 09-CR-807 (DLC) (releasing defendant to attend partner’s funeral); *United States v. Firpo*, 11-CR-247 (RWS) (releasing defendant to attend mother’s funeral). Mr. Sanders, who spoke with his father three times per week prior to his arrest, is grieving this loss, alone, in jail. It would therefore be invaluable to both he and his family if he were allowed to say his last goodbyes alongside his siblings. To that end, Mr. Sanders’ brother and sister are available to accompany him to and from MDC to attend the funeral services.

Accordingly, Mr. Sanders respectfully requests that the Court release him temporarily on the following conditions:

- 1) Temporarily release restricted to February 21, 2023, from 8:00 a.m. to 8:00 p.m.;
- 2) Travel restricted to Alexander Rothwell Funeral Home and Calverton National Cemetery, and any ordinary stopovers or points on a direct route to and from that destination;
- 3) Temporary release restricted to the third-party custody of Joanna Sanders (sister) and/or Lewis York (brother);
- 4) Any other reasonable conditions that the Court deems appropriate.

Respectfully Submitted,

Kristoff I. Williams
Assistant Federal Defender
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Cc: Assistant United States Attorney Adam Sowlati (via ECF)

Application DENIED. The Court is deeply sorry to hear of Mr. Sanders's father's passing, and understands his desire to be with family during this difficult time. However, in light of the nature of the offense charged in this case, as well as the Government's prior proffer in open court, the Court cannot permit Mr. Sanders's release given the Court's concerns about danger to the community and risk of flight. The Court has spoken with the United States Marshals Service, and has confirmed that the Marshals can make arrangements for Mr. Sanders to participate virtually in funeral services. Should Mr. Sanders opt for such virtual participation, defense counsel should reach out to the Marshals Service.

The Clerk of Court is directed to terminate the pending motion at docket entry 10.

Dated: February 16, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE